

FLAG DISPLAY POLICY

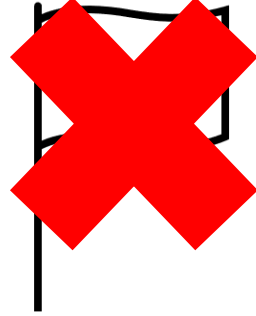
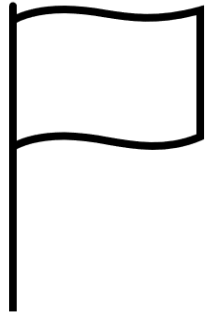
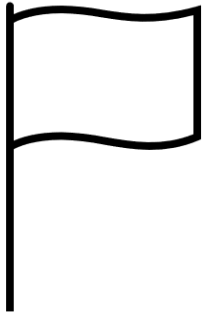
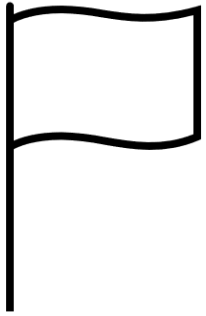
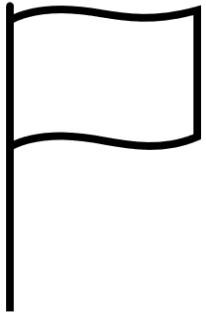
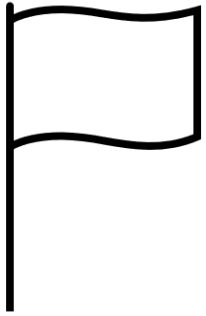
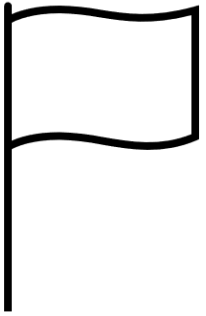
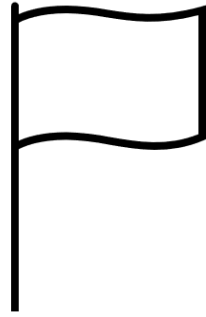
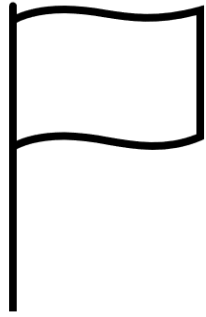
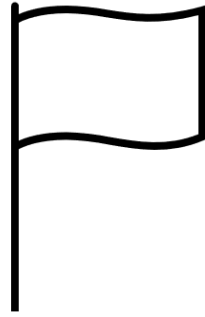
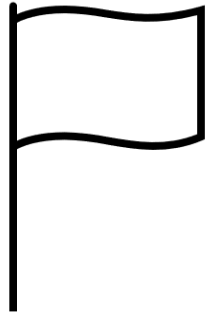
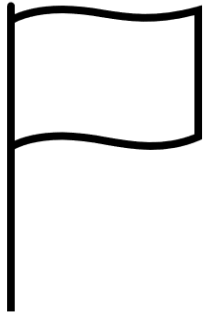
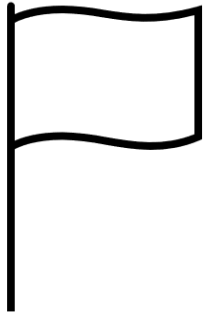
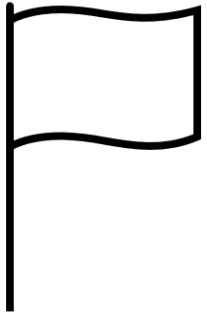
Council Policy Manual 2.07

CONSTITUTIONAL CONSIDERATIONS

First Amendment Restrictions

Limited Public Forum

- A nonpublic forum is a place that is not typically open to the public and public communication (like a City owned and controlled Flagpole).
- When the government intentionally opens the nonpublic forum to the public for a specific purpose it creates a “limited public forum” (like a City Flagpole where it allows the public to display commemorative flags to communicate).
- In a limited public forum, the government’s regulations need to be reasonable and viewpoint neutral.
 - The regulations **cannot** discriminate based on the stance or position the speech took.
 - A city **cannot** refuse to display a flag because it disagrees with the message of the flag.



Government Speech

- Government speech, however, is not similarly restricted by the First Amendment.
- The United States Supreme Court recognizes that a government entity is entitled to say what it wishes and to select the views that it wants to express.
- A city can select flags based on the viewpoints those flags relay because those are the viewpoints the city wishes to specifically endorse as its own speech.

PRACTICAL CONSIDERATIONS



Policy Amendment

Attachment C

ATTACHMENT C

Resolution No. _____

STOCKTON CITY COUNCIL

RESOLUTION ADOPTING THE REVISED CITY COUNCIL POLICY CHAPTER 2.07 REGARDING THE DISPLAY OF FLAGS

City Council Policy Manual Chapter 2.07, Flag Display Policy, regulates the display of National, State, and other flags; and

The policy clearly states that the City of Stockton flagpoles located at City-owned buildings and facilities are not intended to serve as a forum for free expression of the public; and

In February 2025, the Legislation and Environmental Committee reviewed and discussed revisions to the Flag Display Policy; and

The Committee forwarded a recommendation to revise the policy to allow the City Council to display commemorative flags for up to thirty (30) days; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:

1. The City Council approves the revisions to City Council Policy Manual 2.07, Flag Display Policy, attached hereto as Exhibit 1 and incorporated by this reference.
2. The City Manager is hereby authorized to take appropriate and necessary actions to carry out the purpose and intent of this Resolution.

PASSED, APPROVED, and ADOPTED _____ 2025.

CHRISTINA FUGAZI
Mayor of the City of Stockton

ATTEST:

KATHERINE ROLAND, CMC, CPMC
City Clerk of the City of Stockton

2.07.010(3), City Flagpoles,
subsection(c):

“Commemorative Flags shall be displayed for a period of time that is reasonable or customary for the subject that is to be commemorated, but no longer than **thirty (30)**~~seven~~ continuous days.”

Annual Display – Pride Flag

Attachment D

Resolution No.

ATTACHMENT D

STOCKTON CITY COUNCIL

ADOPT A RESOLUTION APPROVING THE ANNUAL DISPLAY OF THE PRIDE FLAG IN COMMEMORATION OF PRIDE MONTH

City Council Policy 2.07 regulates the display of National, State, and other flags; and

The policy clearly states that the City of Stockton flagpoles located at City-owned buildings and facilities are not intended to serve as a forum for free expression of the public; and

The City Council may, by resolution, direct staff to display commemorative flags as an expression of the City's official sentiments; and

The City Council desires to display ceremonial flags consistent with the City's ongoing strategic priorities; and

Pride Month is held each June to commemorate the history of the Stonewall protests and the modern LGBTQ+ civil rights movement; and

The City Council desires to display the Pride flag annually to commemorate Pride month; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:

The City Council authorizes the City Manager to have the Pride Flag displayed in commemoration of Pride Month annually during the last week of June.

PASSED, APPROVED, and ADOPTED 2024.

KEVIN J. LINCOLN II
Mayor of the City of Stockton

ATTEST:

KATHERINE ROLAND, CMC
Interim City Clerk of the City of Stockton

Attachment E

Resolution No.

ATTACHMENT E

STOCKTON CITY COUNCIL

RESOLUTION APPROVING THE ANNUAL DISPLAY OF THE PRIDE FLAG IN COMMEMORATION OF PRIDE MONTH

City Council Policy Manual Chapter 2.07 regulates the display of National, State, and other flags; and

The policy clearly states that the City of Stockton flagpoles located at City-owned buildings and facilities are not intended to serve as a forum for free expression of the public; and

The City Council may, by resolution, direct staff to display commemorative flags as an expression of the City's official sentiments; and

The City Council desires to display ceremonial flags consistent with the City's ongoing strategic priorities; and

Pride Month is held each June to commemorate the history of the Stonewall protests and the modern LGBTQ+ civil rights movement; and

The City Council desires to display the Pride flag annually to commemorate Pride month; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:

The City Council authorizes the City Manager to have the Pride Flag displayed in commemoration of Pride Month annually during the month of June for **XX days**.

PASSED, APPROVED, and ADOPTED 2025.

CHRISTINA FUGAZI
Mayor of the City of Stockton

ATTEST:

KATHERINE ROLAND, CMC, CPMC
City Clerk of the City of Stockton

Attachment F

Resolution No.

ATTACHMENT F

STOCKTON CITY COUNCIL

RESOLUTION APPROVING THE ANNUAL DISPLAY OF THE PRIDE FLAG IN COMMEMORATION OF PRIDE MONTH

City Council Policy Manual Chapter 2.07 regulates the display of National, State, and other flags; and

The policy clearly states that the City of Stockton flagpoles located at City-owned buildings and facilities are not intended to serve as a forum for free expression of the public; and

The City Council may, by resolution, direct staff to display commemorative flags as an expression of the City's official sentiments; and

The City Council desires to display ceremonial flags consistent with the City's ongoing strategic priorities; and

Pride Month is held each June to commemorate the history of the Stonewall protests and the modern LGBTQ+ civil rights movement; and

The City Council desires to display the Pride flag annually to commemorate Pride month; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:

The City Council authorizes the City Manager to have the Pride Flag displayed in commemoration of Pride Month annually during the first week of June.

PASSED, APPROVED, and ADOPTED 2025.

CHRISTINA FUGAZI
Mayor of the City of Stockton

ATTEST:

KATHERINE ROLAND, CMC, CPMC
City Clerk of the City of Stockton

Annual Display – Military Flags

Attachment G

- United States Army: June 14, 1775
- United States Navy: October 13, 1775
- United States Marine Corps: November 10, 1775
- United States Coast Guard: August 4, 1790
- United States Air Force: September 18, 1947
- United States Space Force: December 20, 2019

Resolution No.

STOCKTON CITY COUNCIL

RESOLUTION APPROVING THE ANNUAL DISPLAY OF THE MILITARY FLAGS IN COMMEMORATION OF THE ESTABLISHMENT OF EACH BRANCH

City Council Policy 2.07 regulates the display of National, State, and other flags and clearly states that the City of Stockton flagpoles located at City-owned buildings and facilities are not intended to serve as a forum for free expression of the public; and

The City Council may, by resolution, direct staff to display commemorative flags as an expression of the City's official sentiments; and

The City Council desires to display the flags of the United States Military Branches annually to commemorate their respective dates of establishment; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF STOCKTON, AS
FOLLOWS:

1. The City Council authorizes the City Manager to have the flags of the United States Military branches displayed to commemorate their respective dates of establishment annually on the following dates.

United States Army: June 14
United States Navy: October 13
United States Marine Corps: November 10
United States Coast Guard: August
United States Air Force: September 18
United States Space Force: December 20

PASSED, APPROVED, and ADOPTED _____ 2025.

CHRISTINA FUGAZI
Mayor of the City of Stockton

ATTEST:

KATHERINE ROLAND, CMC, CPMC
City Clerk of the City of Stockton

Next Steps

- Would the Committee like to forward a policy amendment as reflected in Attachment C?
- Would the Committee like to forward Attachment D for the annual display of the Pride Flag without changes?
- Would the Committee like to revise the resolution forwarding the recommendation for the annual display of the Pride Flag? If so, when and/or for how long would the Committee like the flag displayed?
- Would the Committee like to forward a recommendation for the annual display of the flags of the military branches as reflected in Attachment G?